IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

WP(C).No. 26963 of 2007(I)

PETITIONER:

EALIAS K.V.,
KARAKKATTU HOUSE, KILLIMANGALAM,
CHELAKKARA.

BY ADV. SRI.DEVAN RAMACHANDRAN
SMT.T.G.SEETHAL

RESPONDENTS:

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1. THE STATE OF KERALA REPRESENTED BY ITS SECRETARY, MINISTRY OF FORESTS, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE FOREST RANGE OFFICER,
FOREST RANGE OFFICE, WADAKKANCHERY.

R1 BY SPL. GOVT. PLEADER SHRI. RENJITH THAMPAN
BY ADV. SRI.D.SREEKUMAR (ADV.COMMISSIONER)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 26963 OF 2007 I
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Dated this the 18th day of October, 2007

O R D E R

The controversy in this case is whether the petitioner's land is an ecologically fragile land in terms of E.F.C. Act. While the petitioner contends that the land in question is planted with rubber, a statement has been filed by the Range Officer that the area in question is supported by natural vegetation like teak etc. I consider that in order to ascertain the correctness of the conflicting statements, an Advocate Commissioner is to be appointed.

2. Accordingly, I appoint Adv.D.Sreekumar to inspect the land and verify whether the land in question is a rubber plantation as contended by the petitioner or has natural vegetation as contended in the statement. The Commissioner shall inspect the property and file a report in this Court before 24th of this month, with notice to both sides. The report shall contain the details of the tree growth in the land. Any assistance

required to be given to the Commissioner shall be rendered by the petitioner as also the respondents.

3. For the present, I direct the petitioner to pay Rs.15,000/- (Rupees fifteen thousand only) as bata to the Commissioner. Depending on the report, further orders will be passed as to who should finally bear the cost.

Post on 26/10/2007.

Hand over the order.

ANTONY DOMINIC, JUDGE.

Rp